IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL NO. 1216 OF 1984

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge ?

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GUJARAT STATE ROAD TRANSPORT CORPORATION - Appellant(s)
Versus
GANDALAL MANILAL SATHWARA & ORS. - Respondent(s)

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Appearance :
Ms. Maya Desai for Appellant(s).
Shri A. B. Desai for Respondent(s) : 1 - 2.
None for Respondent(s) : 3 though served.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 25/07/2007

ORAL JUDGMENT

The appellant, being aggrieved by the judgement and award dated 2nd September, 1985 passed by the learned Motor Accident Claims

Tribunal (Auxiliary), Baroda in M.A.C.P. No.389 of 1982, is before this Court with a submission that the amount awarded in favour of respondent Nos.1 and 2 deserves to be reduced by a sum of Rs.50,000/-.

2. In view of challenge to the monetary part of the award, it would not be necessary for me to refer to the facts relating to the accident, liability, etc.

3. The deceased son of the claimants was around 22 years of age and was studying in the engineering vocation. Once it is held that the boy was studying in engineering curriculum, then,the future of such a boy would be taken to be bright. The learned Tribunal below has held that the deceased could earn a sum of Rs.1,000/- per month, out of which he would spare a sum of Rs.500/- per month or Rs.6,000/- per annum towards his family. In absence of any cross objections, I am not in a position to hold that the income of the young engineer would be more than Rs.1,000/- per month, income of the engineer would be much more and if such engineer goes for further studies, then, the package would be much more than Rs.12,000/- per year. Be that as it may.

4. The learned Tribunal below was not unjustified in holding the dependency to be Rs.6,000/- per year and was also not unjustified in applying the multiplier of 15 (fifteen) to the facts of the case.

5. It was contended that the learned Tribunal below was unjustified in making the award in the sum of Rs.5,000/- towards pain, shock and suffering which the claimants underwent from 24th April, 1982 to 3rd May, 1983 when the deceased was counting his breaths in the hospital. Even if I hold so, I will be justified in holding that the claimants would be entitled to a sum of Rs.5,000/- under the head of loss of expectation of life and loss of company. The learned Tribunal below was not wrong in making the award in favour of the claimants.

6. The appeal deserves to and is, accordingly, dismissed. No costs.

[R.S.Garg, J.]

*kamlesh**